

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH DIVISION**

R. CATHY REARDON)	
On behalf of herself and all)	
similarly situated individuals,)	
)	
Plaintiffs,)	NO. 2:08cv1730GLL
v.)	
CLOSETMAID CORPORATION)	Hon. Chief Judge Gary Lancaster
and EMERSON ELECTRIC CO.)	
)	Class Action
)	
Defendants.)	ELECTRONICALLY FILED

REPRESENTATIVE PLAINTIFF’S MOTION FOR CLASS CERTIFICATION

The representative Plaintiff, by her counsel, moves for class certification of her claims pursuant to Fed.R.Civ.P 23. In support, Representative Plaintiff states as follows:

1. Class certification requires a Plaintiff to establish the four requirements of Fed.R.Civ.P. 23(a) and two of the requirements of Rule 23(b). Rule 23(a) requires that: (1) the class be so numerous that joinder of all members is impracticable; (2) there are questions of law or fact common to the class; (3) the representatives’ claims or defenses are typical of those of the class; and (4) the representatives will fairly and adequately represent the interests of the class. *See Fed.R.Civ.P. 23(a)*. Rule 23(b)(3) further requires that: (5) questions of law or fact common to all class members predominate over individual issues, and (6) that the class action mechanism be superior to other available means of adjudicating the controversy. *See Fed.R.Civ.P. 23(b)(3)*.
2. Federal Rule 23(c)(B) further requires that the certification order that certifies a class must define the class and the class claims, issues and defenses and must appoint class

counsel under Rule 23(g);

3. The requirement of Fed.R.Civ.P. 23(a) and (b)(3) are fully satisfied as demonstrated in Plaintiff's Memorandum Of Law In Support Of Class Certification and based upon the record evidence presented in Plaintiff's Appendix Of Exhibits In Support Of Class Certification which are being submitted with this motion and are incorporated.

4. Accordingly, the Representative and Class Plaintiffs request that this Honorable Court enter an order certifying the following proposed Class and Sub-classes based upon the claims asserted in Counts I-IV of the First Amended Complaint and the defenses asserted by Defendant as follows:

The Disclosure Class (Count I)

All employees or prospective employees, applicants or candidates of ClosetMaid residing in the United States (including all territories and other political subdivisions of the United States) who within the period prescribed by FCRA, 15 U.S.C. §1681p, prior to the filing of this action, executed ClosetMaid's forms purporting to authorize ClosetMaid to procure a consumer report about them.

The Disclosure Sub-class (re: Count II)

All employees or prospective employees of Defendants residing in the United States (including all territories and other political subdivisions of the United States) who were the subject of a consumer report which was used by Defendants and who executed ClosetMaid's forms purporting to authorize ClosetMaid to procure a consumer report about them, within the period prescribed by FCRA, 15 U.S.C. §1681p, prior to the filing of this action.

The Pre-Adverse Action Sub-Class (re: Counts III and IV)

All employees or prospective employees of Defendants residing in the United States (including all territories and other political subdivisions of the United States) who were the subject of a consumer report obtained by ClosetMaid which contained any negative (derogatory) credit history, driving record, public record criminal arrest, charge or conviction, civil judgment, bankruptcy or tax liens, regarding such employee or prospective employee within the period prescribed by FCRA, 15 U.S.C. §1681p, prior to the filing of this action and for

whom Defendants did fail to provide that applicant a copy of their consumer report and/or FCRA summary of rights at least five business days before the employee or prospective employee was notified that ClosetMaid may take adverse action.

4. The Representative and Class Plaintiffs further request the following listed counsel be appointed to represent the Class and Subclasses:

James M. Pietz
Pa I.D. No. 55406
Pietz Law Office LLC
Mitchell Building
304 Ross Street, Suite 700
412-288-4333
jpietz@jpietzlaw.com

Leonard A. Bennett, Esq.
Consumer Litigation Associates
12515 Warwick Boulevard
Newport News, Va. 23606
(757) 930-3660
lenbennett@clalegal.com

Christopher North, Esq.
751-A Thimble Shoals Blvd.
Newport News, Va 23606
(757) 873-1010

Wherefore, it is respectfully requested that this Honorable Court grant the motion for class certification. A proposed Order Of Court is attached as Exhibit A.

**R. CATHY REARDON,
For herself and on behalf of all similarly situated
individuals.**

By: s/ James M. Pietz

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Mitchell Building
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412-288-4333
jpietz@jpietzlaw.com

Leonard A. Bennett
Consumer Litigation Associates
12515 Warwick Boulevard
Newport News, VA 23606
757-930-3660
lenbennett@clalegal.com

Christopher Colt North
The Consumer & Employee Rights Law
Firm, P.C.
751-A Thimble Shoals Boulevard
Newport News, Virginia 23606
757- 873-1010
cnorthlaw@aol.com